



**CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – JANUARY 6, 2006**

**FULL BOARD MEETING MINUTES<sup>1</sup>**

**JANUARY 6, 2006**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**Members present:**

**Maeley Tom, acting Vice-President**  
**Sean Harrigan, Member**  
**Anne Sheehan, Member**  
**Patricia Clarey, Member**

**2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

**A.** The Executive Officer welcomed new Board member Patricia Clarey.

**B.** Over the past few years, approximately 3,000 adverse actions are filed annually by the departments, about 2,000 are appealed to the SPB, and about 300 of those appealed are ultimately resolved by action of the Board and its ALJs. Thus, the SPB only resolves approximately 10% of the total number of adverse actions filed annually. The rest are not appealed, or resolved by the department and employee through settlement, or acquiesced in by the employee.

**C.** On December 20, 2005, the Executive Director was invited by UCD to give a talk to 20 visiting personnel officials from the Republic of China (ROC), Taiwan.

**3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)**  
**– DPA Representatives**

Darryl Tsujihara gave a brief report on recent activities of the Department of Personnel Administration.

**4. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)**  
**– Maeley Tom**

**NONE PRESENTED**

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<sup>1</sup> The Minutes for the Board can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**5. REPORT OF THE CHIEF COUNSEL – Dorothy Egel, Senior Staff Counsel**

- Connerly v. SPB: Oral argument before the California Supreme Court is scheduled for January 10, 2006, with extended media coverage, on the issue of the liability of real parties in interest for attorney fee award.
- McCollum v. State: Second amended complaint has been filed to include inmate class action claims.

**6. NEW BUSINESS**

**NONE PRESENTED**

Deleted: ngs.

**7. REPORT ON LEGISLATION – Sherry Hicks**

**NONE PRESENTED**

Deleted: ngs.

**8. STRATEGIC PLANNING SESSION V –**

**IMPROVE THE STATE’S ABILITY TO ATTRACT, SELECT, HIRE AND RETAIN  
A HIGH QUALITY, DIVERSE WORKFORCE  
– California State Personnel Board Staff**

Speaker: Karen Coffee, Chief, California State Personnel Board.

**9. STRATEGIC PLANNING SESSION VI –**

**FOSTER A WORK ENVIRONMENT THAT INSPIRES EXCELLENT  
PERFORMANCE – California State Personnel Board Staff**

Speaker: Mary Fernandez, California State Personnel Board.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**10. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND  
OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**11. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

**12. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,  
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,  
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court,  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,  
Sacramento Superior Court No. 04CS00049.

SEIU Local 1000 (CSEA) v. State Personnel Board,  
Sacramento Superior Court No. 05CS00374.

The Copley Press, Inc. v. San Diego Superior Court,  
California Supreme Court No. S128603.

Union of American Physicians and Dentists v. Department of Corrections, et al.,  
United States District Court, Northern District of California.

**13. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**14. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**15. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF  
JANUARY 24, 2006, IN SACRAMENTO, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

**16. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
DECEMBER 6, 2005**

**ACTION: ADOPTED**

VOTE: Tom, Harrigan, Sheehan – Aye

**17. EVIDENTIARY CASES - (See Case Listings on Page 9-14)**

**18. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Minutes Page 18-19)**

**ACTION: ADOPTED**

VOTE: Tom, Harrigan, Sheehan – Aye

**19. NON-EVIDENTIARY CASES - (See Case Listings on Page 14-16)**

**20. NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It was anticipated that the Board would act on these proposals without a hearing.

On January 6, 2006, the Board adopted the errata of the following proposal as presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

**ACTION: ADOPTED**

VOTE: Tom, Harrigan, Sheehan – Aye

- A. **BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE PRESENTED**

- B. **ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following 18 classification which have been vacant for more than two years and have been designated Footnote 24, which specifies that a classification will be abolished when it becomes vacant.

<b>Title</b>	<b>Class Code</b>
Adult Education Consultant	2732
Compensatory Education Consultant	2782
Consultant in Intergroup Relations	2634
Disability Evaluation Technician	5357
Energy Specialist II (Building/Appliance Efficiency)	4933
Energy Specialist II (FUELS)	4957
Field Representative, Surplus Property Agency	4920
Hearing Officer II, Department of Social Services	6017
Land Surveyor, CalTRANS	3017
Materials and Research Engineering Associate (Supervisor)	3382
Textbook Consultant	2594
Treasury Teller	1714
* Division Chief, Department of Toxic Substances Control	3834
* Registered Nurse, Department of Mental Health and Developmental Services	8171

**\* Indicates classes which are part of a class series. Since only the classifications listed above will be abolished, the revised class specifications for each of these series noting the elimination of the abolished class, are included in this board item.**

**21. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**22. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes served to inform interested individuals and departments of proposed and approved CEA position actions.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**CHIEF, PREVENTION EARLY INTERVENTION PROGRAM**

The Department of Mental Health proposes to allocate the above position to the CEA category. The Chief, Prevention Early Intervention Program manages the newly created Prevention Early Intervention Program Branch and has the overall responsibility for statewide program design, start-up, implementation and maintenance.

**DEPUTY DIRECTOR, ENTERPRISE TECHNOLOGY BRANCH**

The Legislative Counsel Bureau proposes to reallocate the existing CEA allocation titled Deputy Director, Enterprise Technology. The Deputy Director, Enterprise Technology Branch is responsible for providing information technology products and services to meet the needs of the legislative branch of state government.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**EXECUTIVE OFFICER, OVERSIGHT AND ACCOUNTABILITY COMMISSION**

The Department of Mental Health has withdrawn their proposal to allocate the above position to the CEA category effective December 12, 2005.

**DEPUTY DIRECTOR, OFFICE OF PROBLEM GAMBLING**

The Department of Alcohol and Drug Program's proposal to establish the above position to the CEA category has been approved for twelve-month time frame effective November 29, 2005.

**CHIEF, MEDI-CAL OVERSIGHT**

The Department of Mental Health's proposal to establish the above position to the CEA category has been disapproved effective November 29, 2005.

**CHIEF DEPUTY DIRECTOR, WATER POLICY**

The State Water Resources Control Board's proposal to establish the above position to the CEA category has been approved effective October 24, 2005.

**CHIEF DEPUTY DIRECTOR, EXTERNAL AFFAIRS**

The State Water Resources Control Board's proposal to establish the above position to the CEA category has been approved effective October 24, 2005.

**CHIEF DEPUTY DIRECTOR, INTERNAL AFFAIRS**

The State Water Resources Control Board's proposal to allocate the above position to the CEA category has been disapproved effective October 24, 2005.

**\*\*\*CORRECTION\*\*\***

**PRINCIPAL DEPUTY LEGISLATIVE COUNSEL II**

The Legislative Counsel Bureau has withdrawn their proposal to allocate the above position to the CEA category effective December 7, 2005.

**ACTION: NOTED**

**23. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**24. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE PRESENTED**

**25. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE PRESENTED**

**26. BOARD ACTIONS ON SUBMITTED ITEMS – (See Minutes - Page 17)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on these Minutes under Evidentiary Cases.

**A D J O U R N M E N T**



**17. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

This item was taken under submission by the State Personnel Board at a prior meeting.

**(1) GARY GARFINKEL, CASE NO. 98-3128RBA**

Appeal for determination of back salary, benefits and interest

**Classification:** Deputy Attorney General IV

**Department:** Department of Justice

Proposed decision rejected July 13, 2005

Transcript prepare

Pending oral argument October 3, 2005, Sacramento

Oral argument continued

Oral argument heard November 1, 2005, San Diego

Case ready for decision by FULL Board

**NO ACTION**

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases would have been on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

On January 6, 2006, the Board took the following action on the following cases as presented by Dorothy Egel, Senior Staff Counsel, California State Personnel Board.

VOTE: Tom, Harrigan, Sheehan – Aye

- (1) **MARIO ESBRI, CASE NO. 04-3001**  
Appeal from rejection during probation  
**Classification:** Staff Services Manager II  
**Department:** Education  
**ACTION:** The Board issued a non-precedential decision restoring the appellant's name to the CHPs Staff Services Manager II employment certification list, except that appellants name shall not be certified for appointment to any Staff Services Manager II position with the Department of Education.
- (2) **CHAD LOOK, CASE NO. 04-1789**  
Appeal from 60-day-work suspension  
**Classification:** Correctional Officer  
**Department:** Corrections and Rehabilitation  
**ACTION:** The Board issued a non-precedential decision correcting the decision adopted on July 13, 2005 in SPB Case No. 04-1789 to reflect a modification to 15 "calendar" days, ordering a hearing before an Administrative Law Judge on back pay issues, and denying appellant's request to revoke the adverse action.
- (3) **FRED RALEIGH, CASE NO. 05-0556**  
Appeal from demotion  
**Classification:** Pharmacy Services Manager  
**Department:** Corrections and Rehabilitation  
**ACTION:** The Board issued a non-precedential decision ordering a hearing before an Administrative Law Judge on the issues of the appropriate amount of back pay and benefits due to appellant and the appropriate salary due to appellant upon reinstatement.

#### **COURT REMANDS**

This case was remanded to the Board by the court for further Board action.

- (1) **JACK BRON, CASE NO. 02-3688R**  
Appeal from constructive medical termination  
**Classification:** Group Supervisor/Youth Correctional Officer  
**Department:** Department of the Youth Authority  
**ACTION:** The Board issued a non-precedential decision vacating the Board's decision dated July 7, 2004, in SPB Case No. 02-3688R and remanded the case back to the ALJ for further proceedings consistent with the courts writ.

**STIPULATIONS**

These stipulations would have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ proposed decisions submitted to the Board for the first time.

On January 6, 2006, the Board took the following action on the following cases as presented by Dorothy Egel, Senior Staff Counsel, California State Personnel Board.

VOTE: Tom, Harrigan, Sheehan – Aye

**(1) BRYAN CARLSON, CASE NO. 04-2279**

Appeal from geographic transfer and demotion

**Classification:** Caltrans Maintenance Supervisor

**Department:** Department of Transportation

**ACTION:** The Board adopted the ALJ's Proposed Decision rescinding the geographic transfer and modifying the demotion.

**(2) MONICA GLENN, CASE NO. 05-3335**

Appeal from five percent reduction in salary for six months

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the reduction in salary.

**(3) RUPERTO HERNANDEZ, CASE NO. 05-0661**

Appeal from ten percent reduction in salary for fifteen months

**Classification:** Disability Insurance Program Representative

**Department:** Employment Development Department

**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the five percent reduction in pay for six months.

- (4) **TIM MAIN, CASE NO. 05-2683**  
Appeal from five percent reduction in salary for one pay period  
**Classification:** Fire Captain (Paramedic)  
**Department:** Department of Forestry and Fire Protection  
**ACTION:** The Board adopted the ALJ's Proposed Decision dismissing the appeal.
- (5) **QUIANA YOUNG, CASE NO. 05-0928**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

**Proposed Decisions Taken Under Submission At Prior Meeting**

These were ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

- (6) **ALEJANDRO GILL, CASE NO. 05-0054R**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** Proposed Decision rejected by Board. The Board will hear the case itself.

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On January 6, 2006, the Board took the following action on the following cases as presented by Dorothy Egel, Senior Staff Counsel, California State Personnel Board.

VOTE: Tom, Harrigan, Sheehan – Aye

**(1) ROBERT BURKS, CASE NO. 05-2539P**

Appeal from medical demotion

**Classification:** Officer

**Department:** Department of the California Highway Patrol

**ACTION:** Petition for rehearing denied.

**(2) MELODEE LEWIS, CASE NO. 05-2112P**

Appeal from whistleblower retaliation complaint

**Classification:** Registered Nurse

**Department:** Department of Corrections and Rehabilitation

**ACTION:** Petition for rehearing denied.

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board would have voted to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

**(1) RONALD FRANKLYN, CASE NO. 05-2105A**

Appeal from 20 working days suspension

**Classification:** Officer

**Department:** Department of California Highway Patrol

Proposed decision rejected December 20, 2005

Pending transcript

**NO ACTION**

- (2) **EDUARDO PEREZ, CASE NO. 05-0763A**  
Appeal from five percent reduction in salary for six months  
**Classification:** Parole Agent I (Adult Parole)  
**Department:** Department of Corrections

Proposed decision rejected November 1, 2005  
Pending transcript  
**NO ACTION**

- (3) **ERNEST PITMAN, CASE NO. 05-1591A**  
Appeal from dismissal  
**Classification:** Motor Vehicle Field Representative  
**Department:** Department of Motor Vehicles

Proposed decision rejected December 6, 2005  
Pending transcript  
**NO ACTION**

- (4) **RICHARD QUADRELLI, CASE NO. 05-1039A**  
Appeal from dismissal  
**Classification:** Caltrans Maintenance Supervisor  
**Department:** Department of Transportation

Proposed decision rejected December 6, 2005  
Pending transcript  
**NO ACTION**

## 19. NON-EVIDENTIARY CASES

### A. WITHHOLD APPEALS

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

### WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

**NONE**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases would have been heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board would have been presented recommendations by a Hearing Panel on each appeal.

**NONE**

**C. EXAMINATION APPEALS**  
**MINIMUM QUALIFICATIONS**  
**MERIT ISSUE COMPLAINTS**

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**EXAMINATION APPEALS**

**NONE**

**MINIMUM QUALIFICATIONS**

**NONE**

**MERIT ISSUE COMPLAINTS**

**NONE**

**D. RULE 211 APPEALS**  
**RULE 212 OUT OF CLASS APPEALS**  
**VOIDED APPOINTMENT APPEALS**

Cases would have been heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board would have been presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board would have been presented recommendations by Appeals Division staff for final decision on each request.

**NONE**

**PETITIONS FOR REHEARING CASES**

**NONE**



**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. GARY GARFINKLE, CASE NO. 98-3128RBA.**

Appeal for determination of back salary, benefits and interest. Deputy Attorney General IV. Department of Justice. (Oral Argument heard November 1, 2005)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

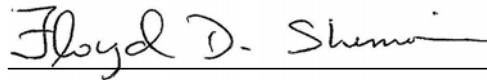
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on January 6, 2006.

VOTE: Tom, Harrigan, Sheehan – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd D. Shimomura  
Executive Officer  
California State Personnel Board